

**Comments in Response to Localism Notice of Proposed Rulemaking  
MB Docket No. 04-233**

APR 08 2008

FCC Mail Room

I submit the following comments in response to the Localism Notice of Proposed Rulemaking (the "NPRM"), released Jan. 24, 2008, in MB Docket No. 04-233.

Any new FCC rules, policies or procedures must not violate First Amendment rights. A number of proposals discussed in the NPRM, if enacted, would do so – and must not be adopted.

(1) The FCC must not force radio stations, especially religious broadcasters, to take advice from people who do not share their values. The NPRM's proposed advisory board proposals would impose such unconstitutional mandates. Religious broadcasters who resist advice from those who don't share their values could face increased harassment, complaints and even loss of license for choosing to follow their own consciences, rather than allowing incompatible viewpoints to shape their programming. The First Amendment prohibits government, including the FCC, from dictating what viewpoints a broadcaster, particularly a religious broadcaster, must present.


(2) The FCC must not turn every radio station into a public forum where anyone and everyone has rights to air time. Proposed public access requirements would do so – even if a religious broadcaster conscientiously objects to the message. The First Amendment forbids imposition of message delivery mandates on any religion.

(3) The FCC must not force revelation of specific editorial decision-making information. The choice of programming, especially religious programming, is not properly dictated by any government agency – and proposals to force reporting on such things as who produced what programs would intrude on constitutionally-protected editorial choices.

(4) The FCC must not establish a two-tiered renewal system in which certain licensees would be automatically barred from routine renewal application processing. The proposed mandatory special renewal review of certain classes of applicants by the Commissioners themselves would amount to coercion of religious broadcasters. Those who stay true to their consciences and present only the messages they correspond to their beliefs could face long, expensive and potentially ruinous renewal proceedings.

(5) Many Christian broadcasters operate on tight budgets, as do many smaller market secular stations. Keeping the electricity flowing is often a challenge. Yet, the Commission proposes to further squeeze niche and smaller market broadcasters, by substantially raising costs in two ways: (a) by requiring staff presence whenever a station is on the air and, (b) by further restricting main studio location choices. Raising costs with these proposals would force service cutbacks – and curtailed service is contrary to the public interest.

We urge the FCC not to adopt rules, procedures or policies discussed above.



Signature

Mark Beresford

Name

Title (if any)

Organization (if any)

4-3-08

Date

W3205 Greiner Rd.  
Appleton, WI 54913

Address

920-954-0423

Phone

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We urge the FCC not to adopt rules, procedures or policies discussed above.

Barbara Ayers  
Signature

03-31-08  
Date

Barbara Ayers  
Name

5850 Hampton Road, Frankfurt, Ky 40601  
Address

502-223-3999  
Phone

\_\_\_\_\_  
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\_\_\_\_\_  
Organization (if any)

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**We urge the FCC not to adopt rules, procedures or policies discussed above.**

Signature

Sara Jo VanDerHorst

Name

Title (if any)

Organization (if any)

Date \_\_\_\_\_

605 Theresa Ct

### Address

Phone

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We urge the FCC not to adopt rules, procedures or policies discussed above.

Peggy Phillips

Signature

Peggy Phillips

Name

4-3-08

Date

5740 Waco P.K.P.

Address

223-7770

Phone

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10/1/08  
4/08/08

\_\_\_\_\_  
Title (if any)

\_\_\_\_\_  
Organization (if any)

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**Subject:** Appreciation and Thank Yous

Jerome ...

I am tardy in letting you know, once again, how much the North Platte Catholic Schools appreciate the presence of your media in our community and all of the good things you have done for us.

We are particularly appreciative of the work you have done with selling advertising to some of our supporters who then donate those ad minutes to us for our important work of public relations and student recruitment. That is a real plus, and something we simply could not afford if we were to try to finance it ourselves.

Of course there is no replacement for the amount of time your stations have invested in supporting Irish athletics for many years now ... football, volleyball, and basketball broadcasts being the most obvious. This is a boon to our retired patrons, our parents who have to work during games and to our other fans who might not be able to get to the game.

We also count on your public announcement services when there is a school emergency, such as weather, which causes us to need to contact all of our parents quickly. Your prompt airing of those notices has been a great help.

I personally appreciate the professionalism that I encounter, particularly in my dealings with both Chuck and yourself. KELN and KOOQ are definitely an asset to our school.

THANKS for all you do!

Bill

William McGahan, Supt.  
North Platte Catholic Schools  
[wmcgahan@esu16.org](mailto:wmcgahan@esu16.org)

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**RUSSEL L. JONES, ATTORNEY AT LAW**

101 EAST 5<sup>TH</sup> STREET

P.O. BOX 985

NORTH PLATTE, NE 69103-0985

308-534-2732

FAX 308-534-2734

CELL 308-530-5213

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APR - 8 2008

FCC Mail Room

04-233

March 25, 2008

Re: KELN 97.1 FM  
North Platte, Nebraska

To Whom It May Concern:

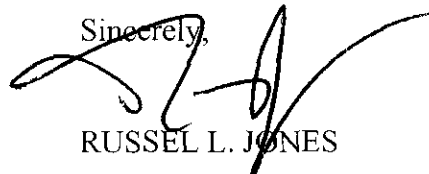
I have been asked to give a statement concerning KELN's community involvement and charitable causes here in North Platte, Nebraska.

A friend of mine and myself, around ten years ago, started an annual fund raising event to raise money for the Lincoln Connection Shelter here in North Platte. On or about Ground Hog Day of each year we schedule an event to have the community jump in the river to raise money for the shelter. David Fudge of KELN is one of the major contributors to the event in providing advertising for the fund raiser as well as actually jumping in the river with some of his other employees. Mr. Fudge has raised several thousands of dollars for this event.

KELN is also involved in other charitable and community causes such as raising money for the Gift of Hope Cancer Foundation, Bridge of Hope Child Advocacy Center and Pawsitive Partners. Other contributions that KELN has made to the community is helping with school fund raisers, giving free advertising for events that community organizations are sponsoring.

KELN is as community minded a media outlet that exist in our town. North Platte, Nebraska is lucky to have KELN and David Fudge.

Sincerely,



RUSSEL L. JONES

RLJ:js

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***North Platte Public Schools  
Dan Twarling,  
Associate Superintendent***

Received & Inspected  
APR - 8 2008  
FCC Mail Room

March 19, 2008

Eagle Radio  
Chuck Schwartz

The North Platte Public Schools would like to take this opportunity to thank you, and Eagle Radio, for all the support you have given our public school system over the years. Without your outstanding service to the public it would be impossible to keep our parents and patrons informed of information regarding the public schools.

Just Monday you assisted us by your announcement regarding the school closing due to the snow storm we were experiencing. Parents are accustomed to tuning into your station to learn of these potential closings. With over 4100 students we can not handle all the phone calls that would take place without your station making these announcements for us.

Your support of broadcasting volleyball, soccer, softball, basketball and football games has been outstanding. Parents and patrons look forward to listening to your "call of the games." I even know that many grandparents, in our numerous retirement facilities, tune in to listen for their grandchild's name.

Whenever we have needed an announcement made you have stepped up to the plate and got it on the air. You keep the community informed of upcoming meetings. Your service is greatly appreciated and essential to the continued communication in the North Platte area.

Thanks for the service you provide to the North Platte Public Schools.

Dan Twarling  
Associate Superintendent  
North Platte Public Schools  
301 West F Street  
North Platte, NE 69103-1557  
(308) 696-3305

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FCC Mail Room

Dear KELN Mix 97 One,

Your support of the Boy Scouts is a very valuable to the future of Scouting in the North Platte area. You have supported us in our recruitment efforts through advertising and Public Service Announcements, as we continually try to grow our membership numbers as well as implement and improve the programs that we offer to over 900 boys in the community and surrounding areas. Your station not only helps us promote Boy Scouting through advertising, but also often helps to provide us with ideas and resources necessary to make Scouting the longest running youth organization in the world.

There are many of our core merit badges that your radio station supports us with such as the communication merit badge.

The support we receive from your station and employees is valuable and necessary to make our organization prosper.

I would like to thank you for the local support that we receive from your station and look forward to a long and promising relationship in the years to come.

Russ Raburn  
District Executive—Boy Scouts of America  
PO Box 615  
North Platte NE 69101  
308-532-3110

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194-233

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FCC Mail Room

**Leisure Service Department**

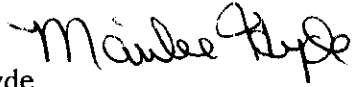
1300 South McDonald Street  
North Platte, Nebraska 69101  
(308) 535-6772  
Fax: (308) 535-6776

March 18, 2008

Dear Chuck,

I would like to express my deepest thanks to KELN/KOOQ for all they have done to help out the North Platte Recreation Department. Through public service announcements, on-air broadcasts and airtime minutes, you have greatly helped us increase the numbers of patrons at our events. This in turn has greatly helped us reach new heights in our goal of getting more people involved in physical activity.

Once again I would like to thank you for all that you have done for us and greatly appreciate everything you do.

Sincerely,   
Marilee Hyde  
Recreation Superintendent

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FCC Mail Room

## SHARE-A-MEAL

Dianne Morales, Coordinator

Dear Chuck,

A big THANK YOU *again* from all of the homebound people that received meals at Thanksgiving and Christmas because of the gracious help that KELN & KOOQ has given the Share-A-Meal Program each year. As you know, Meals On Wheels does not deliver meals on Thanksgiving or Christmas and without your help in getting the word out, we would not of had enough volunteers sharing meals, or volunteers delivering meals, to homebound people that cannot cook for themselves on these holidays. The response we had from your radio stations was overwhelming and we had to actually turn people away.

We could not continue Share-A-Meal without your help and there aren't enough words to thank you enough!!

Sincerely,  
Dianne Morales  
SHARE-A-MEAL Program  
North Platte

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FCC Mail Room



"Working together to do for animals, what they cannot do for themselves"

P. O. Box 1145 North Platte, NE 69103

February 10, 2008

Dear Chuck,

I would like to take this opportunity to thank KELN/KOOQ for all they have done to help PAWS-itive Partner Humane Society. With the airtime you have provided through PSA's, on location broadcasts and on-air interviews, we have raised a lot of money to help the homeless & less fortunate animals in North Platte and surrounding areas. Literally thousands of dollars over the years have been raised with your help. Promotions such as The Mayor Walking Naked, Naked on the Roof, Raising the Woof, and Woofstock, have raised over \$75,000 alone and we just could not have done it without you helping us get the word out. KELN & KOOQ Radio are such an asset to the community and we look forward in continuing our partnership..

PAWS-itive Partners Humane Society relies on fund-raising and donations to make a difference in these animal's lives. We are a very small group of volunteers and receive no city or government funds. Generosity, such as yours, makes it possible for us to continue to make that difference. And for that, we and the animals are so grateful.

Sincerely,

*Jo Mayber*

Jo Mayber

PAWS-itive Partners Humane Society

P.O. Box 1145

North Platte, NE 69103-1145

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*I sometimes pity people who have never felt just cause,  
to share the bond between two souls, one with hands and one with paws*

April 2, 2008

Received &amp; Inspected

APR - 8 2008

FCC Mail Room

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. S.W.  
Washington, DC 20554

RE: MB Docket# 04-223

Good Day,

I am writing in regards to the issue of localism and how Eagle Radio, as local broadcasters in West Central Nebraska, operate our radio stations on a day-by-day basis. First off, our philosophy of how to adequately serve our listeners is based on the simple premise that a template will not adequately address the proper management of local radio stations.

It appears that many critics of FCC licensed radio and television stations have the mistaken belief that we are all run like the big stations in New York, or Washington DC. Our empirical research has shown us that we need to be very locally oriented or we will go broke. Whether or not it works in the big cities, doesn't mean anything if we aren't meeting the needs of our listeners.

Much has been made of staffing studios 24/7, to be more responsive to local emergencies. In our case, all of the local emergency responders have the home phone numbers of our entire management staff, and know they can call us when the need arises. I live on the other side of town from our studio locations, and in morning "rush hour" it is a 9 minute trip for me. In the middle of the night, responding to an emergency, the length is more like 4 minutes – and I am farther away than my News Director, Program Director, or Sales Manager. If we are required to staff on a 24/7 basis, we will probably reduce our hours of operation, which will have the unintended consequence of lengthening our response time to any emergencies that may arise.

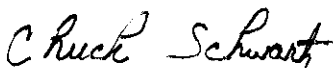
Our staff is heavily involved in local groups and organizations, which function quite well in terms of keeping us apprised of prevailing community interests and attitudes. To give you an idea of just some of the activities our staff is involved in currently: President of the Noon Rotary Club, President of the local animal rights group, President of the local College Basketball Booster organization, President of Bridge of Hope ( a local charity), Board member of the local North Platte College Foundation, member of the Executive Committee of the local Catholic Schools Foundation, members of PTA, member of the North Platte American Legion Baseball committee – emcees of United Way and North Platte Chamber of Commerce fund raisers and events this month. This involvement obviously impacts our News and Programming decisions, as we are in the middle of planning and executing events that resonate in the community.

Being in constant contact with business leaders, community leaders, and the person on the street gives us the direction we need to make decisions on how to program our stations for the listeners' enjoyment and information. One of our three stations does employ "voice tracking" – but not in the way most interpret its use. With only ten full time employees and four part time, we have employees who are normally heard on one of our Eagle Radio stations, "voice track" on another of our stations, to better utilize the time they have available for us. I would describe it more as "time shifting", so they can be on more than one station in North Platte.

I keep hearing about the airing of "local" musicians. We keep track of any local connections with the music and entertainment industry – and while extremely rare, are publicized quite heavily when they occur. Just recently, a former North Platter made the cut for American Idol, so we had her as a telephonic guest on several occasions. Keeping in mind the listeners expectations, we apply standards to the talent level of anyone we put on the air – driving listeners away with bad artists doesn't meet our criteria of programming to our listeners.

To summarize, we feel we are more responsive and local than many Radio stations – and being burdened with extra paper work and committees will actually take us away from our duties of being good, local broadcasters. I am including a few letters and e-mails from listeners to give you a snapshot of our local involvement. Thank you for your time,

Sincerely,



Chuck Schwartz  
General Manager

[chuck.schwartz@eagleradio.net](mailto:chuck.schwartz@eagleradio.net)

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List ABCDE



Chuck Schwartz, CRMC  
General Manager

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Enc.